

REMARKS/ARGUMENTS

1. Claims 1-5, 15-19, and 29-33 are Patentable Over the Cited Art

The Examiner rejected claims 1-5, 15-19, and 29-33 as anticipated (35 U.S.C. §102(e)) by Gabbita (U.S. Patent No. 6,349,238). Applicants traverse.

Independent claims 1, 15, and 29 concern assigning a work item for one of a plurality of nodes in a workflow to at least one of a plurality of users capable of performing workflow related operations at the nodes, and require: processing a node in a current workflow, wherein a current work item is associated with the processed node; processing an access list indicating users capable of being assigned the current work item; determining from the access list at least one user capable of being assigned the current work item; for each determined user, determining a number of work items other than the current work item assigned to the user in the current workflow and in a workflow other than the current workflow; selecting at least one determined user based on the determined number of work items assigned to the determined users; and assigning the current work item to the at least one determined user.

The Examiner found that col. 10., lines 10-29 discloses the claim requirements of determining from the access list at least one user capable of being assigned the current work item and, for each determined user, determining a number of work items other than the current work item assigned to the user in the current workflow in the current workflow and in workflows other than the current workflow and selecting at least one determined user based on the determined number of work items assigned to the determined users. (Third Office Action, pg. 3) Applicants traverse.

The cited col. 10 mentions that the Local Services Activity Tracker (LSAT) assigns resources to perform the activities or tasks associated with each workflow step. The resources can be computers, groups or users. A Resource hierarchy is defined to allocate Resources for each work step based on current work load and availability.

Although the cited col. 10 mentions generally looking at “current work load and availability” to assign Resources to tasks, nowhere does the cited col. 10 anywhere disclose the claim requirements of processing an access list to determine users capable of being assigned the current work item and then determining the number of work items assigned to each user

(indicated in an access list) in the current and another workflow, and then selecting one user based on the number of work items assigned to the users. Nowhere does the cited col. 10 disclose the specific claim requirements on how to select a user based on the number of work items assigned to each user (indicated in an access list) in the current and another workflow.

Moreover, col. 10 discusses methods for distributing work steps to users that teaches away from the claim requirements. Col. 10, lines 30-39 discusses two methods for assigning work steps, Fixed and Round Robin distribution methods. The fixed method assigns all work steps to the specific user resource as defined by the organizational group and the round robin distribution method uses circular scheduling lists. Nowhere does the discussion in the cited col. 10 of the two distribution methods anywhere disclose or mention the specific claimed distribution method of determining a number of work items other than the current work item assigned to the user in the current workflow in the current workflow and in workflows other than the current workflow, and then selecting one used based on the determined items assigned.

In fact, Applicants submit that the Fixed and Round Robin methods appear to teach away from the claim requirement of determining a number of work items other than the current work item assigned to the user in the current workflow in the current workflow and in workflows other than the current workflow because these techniques appear to use different principles. The first fixed method assigns work steps to a specific user defined by a group and the second is round robin which would go through a queue of users distributing the work to each one. In either case, there is no disclosure that these cited methods for distributing work performs the distribution by determining a number of work items other than the current work item assigned to the user in the current workflow in the current workflow and in workflows other than the current workflow.

Applicants submit that nowhere does the cited Gabbita disclose the specific claim requirements of processing an access list to determine users capable of being assigned the current work item. Further, nowhere does the cited Gabbita specifically disclose that a current work load used in the balancing is determined according to the claim requirement of determining a number of work items other than the current work item assigned to the user for the current workflow and another workflow. Nowhere does Gabbita disclose the specific claimed technique for determining how to select a user based on an access list and work items assigned to that user in

the current and another workflow. Yet further, nowhere in the cited Gabbita is there any mention of load balancing based on work items assigned to users in multiple workflows.

Accordingly, claims 1, 15, and 29 are patentable over the cited art because the cited Gabbita does not disclose all the claim requirements.

Claims 2-5, 16-19, and 30-33 are patentable over the cited art because they depend from one of claims 1, 15, and 29, which are patentable over the cited art for the reasons discussed above. Moreover, the following dependent claims provide additional grounds of patentability over the cited art.

Claims 2, 16, and 30 depend from claims 1, 15, and 29 and further require that the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow. The Examiner cited col. 10, line 66 to col. 11, line 9, col. 11, lines 16-17, and col. 13, lines 7-9) as disclosing the claim requirements. (Third Office Action, pg. 3) Applicants traverse.

In the cited cols. 10-11, the scheduler (LSAT) notifies Resources about scheduled workflow activities. By placing the workflow steps in the in-boxes of the assigned resources (user). Users may be notified of assignments and due date by viewing the inbox. The cited col. 13 mentions that users can view the in-box through the LSAT user interface and view and access other relevant data.

Although the cited cols. 10-11 and 13 mention that workflow steps are placed in the in-boxes of the user/resource assigned to the step, nowhere does this cited col. 11 anywhere disclose that the determined number of work items assigned to each user includes active work items assigned to the user in workflows other than the current workflow. In other words, nowhere does the cited col. 11 anywhere disclose that the workflow step is allocated to users based on the work items assigned to the user (Resource) in workflows other than the current workflow. Further, for the reasons discussed above, the cited Gabbita also does not disclose the claim requirement that the work items for a user include active work items for workflows other than the current workflow.

Accordingly, claims 2, 16, and 30 provide additional grounds of patentability over the cited art.

Claims 3, 17, and 30 depend from claims 2, 16, and 30 and further require that the determined number of work items further include active work items assigned to the user in the current workflow other than the current work item. The Examiner cited the same section of Gabbita cited with respect to claims 2, 16, and 30. (Third Office Action, pg. 3)

Applicants submit that nowhere do the cited cols. 10-11 and 13 disclose that the determined number of work items used to select one user includes active work items assigned to the user in the current workflow. There is no disclosure or mention in the cited cols. 10-11 and 13 of this requirement that resource allocation consider the number of active work items assigned to the user in the current workflow.

Accordingly, claims 3, 17, and 31 provide additional grounds of patentability over the cited art.

Claims 5, 19, and 33 depend from claims 1, 15, and 29 and further require that determining the number of work items assigned to each user further comprises: determining work items for which the user has exclusive access; and determining work items that are not owned by another user and that are associated with an access list that includes the user. The Examiner cited col. 6, lines 52-57 and col. 10, lines 27-29 of Gabbita as disclosing the additional requirements of these claims. (Third Office Action, pgs. 3-4) Applicants traverse.

The cited col. 6 mentions that it is assumed that five groups of the company use a computer system referred to as the information system development (ISD) system. The cited col. 10 mentions that resources are allocated for each work step based on the work load and availability.

Nowhere does the cited col. 6 nor 10 anywhere disclose the claim requirement that determining the work items assigned to a user involves determining the work items for which the user has exclusive access and work items that are not owned by another user. Instead, the cited col. 6 mentions groups of a company that can access a computer system and col 10 mentions the work load is considered when allocating a resource (user) to a workflow step. There is no disclosure or mention of considering work items for which the user has exclusive access when selecting one user based on the number of work items assigned to the user.

Accordingly, claims 5, 19, and 33 provide additional grounds of patentability over the cited art.

2. Claims 6-14, 20-28, and 34-42 are Patentable Over the Cited Art

The Examiner rejected claims 6-14, 20-28, and 34-42 as obvious (35 U.S.C. §103) over Gabbita. Applicants traverse.

First off, claims 6-14, 20-28, and 34-42 are patentable over the cited Gabbita because they depend from one of base claims 1, 15, and 29, which are patentable over the cited art for the reasons discussed above. Moreover, these claims provide additional grounds of patentability over the cited art for the following reasons.

Claims 6, 20, and 34 depend from claims 1, 15, and 29 and further require that selecting at least one determined user based on the determined number of work items assigned to the determined users further comprises: for each work item assigned to the user, determining a priority related to the work item; for each user, calculating an index based on each priority related to each work item assigned to the user; and using the index to select one user to assign the new work item.

The Examiner cited col. 9, lines 35, 39-42, and 47-50 of Gabbita as teaching determining the priority for a work item. (Third Office Action, pgs. 4-5) The cited col. 9 discusses a planned delivery date for a work plan and that the scheduling of service orders is prioritized based on their status, such as expedited and jeopardy.

The Examiner recognized that Gabbita does not disclose creating an index value for each user based on the priority of the work items assigned to the user, but found it would have been obvious to modify Gabbita to consider the priority of work items assigned to a user because one skilled in the art would have been motivated to make this change for allocating resources based on the user's workload. (Third Office Action, pg. 6) Applicants traverse.

Nowhere does the cited Gabbita anywhere teach or suggest considering the work items assigned to each user when selecting a user for the work item. Gabbita mentions considering the workload when allocating a workflow step to the resource, but nowhere teaches or suggests the specific claimed operations for calculating an index for each user based on priority related to each work item assigned to the user.

Although one may be motivated to modify Gabbita's technique for assigning tasks based on workload, there are many ways one may make such modifications and Gabbita nowhere suggests or mentions the specific claimed technique for assigning work items, which involves

determining the priority of the work items assigned to the user and then calculating an index based on the priority of each work item. The cited Gabbita nowhere teaches, suggest or mentions the specific claimed technique for using an index based on the priority of work items assigned to the users.

Accordingly, claims 6, 20, and 34 provide additional grounds of patentability over the cited art because their additional requirements are not taught or suggested in the cited Gabbita.

Claims 7-14, 21-28, and 35-42 depend from intervening claims 6, 20, and 34 and provide further requirements on the use of priority. Applicants submit that these dependent claims provide further grounds of patentability over the cited art because the cited Gabbita nowhere teaches or suggests using the priority of work items assigned to a user when selecting one user to assign to the current work item.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-42 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: March 14, 2006

By: 

David W. Victor
Registration No. 39,867

Please direct all correspondences to:

David Victor
Konrad Raynes & Victor, LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
Tel: 310-553-7977
Fax: 310-556-7984